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09/932,663	08/17/2001	Yuichiro Deguchi	SONI-7300	4572

7590 06/07/2005  
Valley Oak Law  
5655 Silver Creek Valley Road  
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EXAMINER

SINGH, RACHNA

ART UNIT PAPER NUMBER

2176

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/932,663

Applicant(s)

DEGUCHI, YUICHIRO

Examiner

Rachna Singh

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☒ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to communications: Amendment filed 02/28/05.
2. Claims 1-44 are pending. Claims 1, 13, 23, 29, 41, and 43 are independent claims.

### ***Priority***

3. Applicant has withdrawn the claim on foreign priority.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 8-11, 29, and 36-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Dwek, US 6,248,946 B1, 6/19/01 (filed 3/1/00).

In reference to claims 1 and 29, Dwek teaches a multimedia content delivery system and method in which a user highlights one or more music selections which are then added to a playlist of music selections. The user may mark the selections in a musical database for easy retrieval in the future. See column 7, lines 5-25. The user may then share the playlists via a playlist pane. See column 8, lines 48-49. When a user elects to share a playlist, a dialog box is opened on the computer display screen for the user to provide information about the playlist to be shared such as the user's

Art Unit: 2176

name or alias, total playtime, musical theme. When a user closes the dialog box, the music player transmits the information together with the playlist across the Internet connection to the online music library. See column 9, lines 35-45. Dwek further discloses an optional embodiment, when the play button is selected the user may be given a choice to play the highlighted playlist immediately or to schedule a time for the playlist to be played in the future. See column 9, lines 12-18. See also column 5, lines 63-65 and column 7, lines 44-46. Compare to ***“generating a recipient list; selecting one or more data mark information wherein each said data mark information indicates a time and each said data mark information represents content that is broadcasted at said time; and transmitting one or more data mark information to one or more recipients in said recipient list”***.

In reference to claims 8 and 36, Dwek teaches that a user may save a shared playlist. See Column 9, lines 45-46.

In reference to claims 9 and 37, Dwek teaches that a user may elect to share a playlist and can provide information about the playlist to be shared such as a user's name. See column 9, lines 35-45.

In reference to claims 10 and 38, Dwek teaches allowing the user to provide information to the dialog box before the playlist is transmitted to the recipient. This could include message text. See column 9, lines 30-45.

In reference to claims 11 and 39, Dwek teaches that the data mark information includes playlist information that corresponds to a “highlighted” or “marked” music clip. See columns 7-9.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 12, 30, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dwek, US 6,248,946 B1, 6/19/01 (filed 3/1/00) in view of Morris et al., US 2003/0061105 A1, 3/27/03 (filed 4/17/01, provisional on 4/17/00).

In reference to claim 2, 12, 30, and 40, Dwek teaches that the user can supply a user's name or alias for the recipient list; however, Dwek does not explicitly state that an email address corresponding to each of the names is included. Morris teaches an on-line distribution of music related items in which e-mail is amongst the many forms of informational sharing mechanisms used. See page 1, paragraph [0006]. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate Morris's email distribution of a music related items including an email address associated with a user name into Dwek's system for delivering marked information for a music clip since Dwek teaches the transmission of information in a playlist across an Internet connection (See column 9, lines 35-45) which is a network that permits e-mail as a communication mechanism. See page 1, paragraph [0006] of Morris.

8. Claims 3-7, 13-14, 16-22, 31-35, and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dwek, US 6,248,946 B1, 6/19/01 (filed 3/1/00) in view of Schacher, WO 98/45770, 10/15/98.

In reference to claims 3-5 and 7, Dwek does not teach that the selecting step includes a drag and drop operation although he does teach that a user can drag a music clip around the playlist. Schacher teaches a method in conjunction with a graphical user interface (GUI) for producing drag-and-drop objects from one item in a listing menu of an application program. The drag-and-drop object is dropped onto a receiving area that acquires a functionality based on the source of the item. The dropped object can be activated to launch a source application program and opens the file identified by the original item. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate Schacher's drag-and-drop functionality into the system of Dwek's data mark selection as drag-and-drop features are easily implemented in graphical user environments (GUI) in order to provide a user-friendly aid to select or activate different choices as opposed to more conventional methods such as typing in names or going through a number of different steps to simply make a selection, thus providing a drag-and-drop interface eases the user's task of making a selection.

In reference to claim 6, Schacher teaches an electronic mailing program that is contained within the application window that is launched when an object is dragged-and-dropped onto a receiving area. See page 6, lines 20-34. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate

Schacher's drag-and-drop functionality with an e-mail application into the system of Dwek's data mark selection as drag-and-drop features are easily implemented in graphical user environments (GUI) in order to provide a user-friendly aid to select or activate different choices as opposed to more conventional methods such as typing in names or going through a number of different steps to simply make a selection, thus providing a drag-and-drop interface eases the user's task of making a selection.

Furthermore, Dwek teaches the transmission of information in a playlist across an Internet connection (See column 9, lines 35-45) which is a network that permits e-mail as a communication mechanism, thus it would have been obvious to a person of ordinary skill in the art to incorporate an e-mail mechanism as a means to communicate information to other users since it was a primary means of communication over a network.

Claims 31-35 are rejected under the same rationale used in claims 3-7 respectively.

In reference to claims 13 and 41, Dwek teaches a multimedia content delivery system and method in which a user highlights one or more music selections which are then added to a playlist of music selections. The user may mark the selections in a musical database for easy retrieval in the future. See column 7, lines 5-25. The user may then share the playlists via a playlist pane. See column 8, lines 48-49. When a user elects to share a playlist, a dialog box is opened on the computer display screen for the user to provide information about the playlist to be shared such as the user's name or alias, total playtime, musical theme. When a user closes the dialog box, the

music player transmits the information together with the playlist across the Internet connection to the online music library. See column 9, lines 35-45. Dwek further discloses an optional embodiment, when the play button is selected the user may be given a choice to play the highlighted playlist immediately or to schedule a time for the playlist to be played in the future. See column 9, lines 12-18. See also column 5, lines 63-65 and column 7, lines 44-46. Compare to ***“displaying a recipient list window; receiving one or more input signals corresponding to one or more entry in said recipient list; displaying data mark information wherein each said data mark. . .at said time”***. Dwek does not teach displaying an application function icon in which a selection of the data mark information is made; however, Schacher teaches a method in conjunction with a GUI for producing drag-and-drop objects from one or more items presented in a menu of a source application program. The object is then dropped into a receiving area and acquires a new functionality based on the source of the item and on the nature of the receiving area. The dropped object may be activated to launch a source application program and automatically open the file identified by the original item. See abstract. Schacher further teaches an electronic mailing program that is contained within the application window that is launched when an object is dragged-and-dropped onto a receiving area. See page 6, lines 20-34. Compare to ***“displaying an application function icon; detecting a selection of the displayed data mark information and said application function icon; and transmitting an electronic message including said data mark information”***. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the features



of Schacher's system (i.e. application function selection, data mark selection, transmission of an electronic message) in the system of Dwek since the selection made via a drag-and-drop functionality in Schacher's system allows a user to easily choose the type of information they would like launched in the application file identified by the "data mark information" in a manner that requires less steps than that of Dwek's system. Dwek's system requires the user to select a share function from which a list of user names can be selected and the data mark information transmitted. It would have been advantageous to a person of ordinary skill in the art at the time of the invention to minimize the number of steps involved in transmitting information to recipients by providing an effective GUI system in which a user could execute all the steps with a simple drag-and-drop functionality.

In reference to claims 14 and 42, Dwek teaches that the recipient list window is presented to a user upon selecting a share button. A dialog box is opened on the computer display screen for the user to provide information. While Dwek does not explicitly state that the recipient list window is a pop-up window display or a drop down window display; Schacher teaches that it was well known and common in the art at the time of the invention for menu-driven choice making to take the form of pop-up menus and drop down menus. See pages 1-2 of Schacher. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a pop-up dialog box or a drop down window display as the features of the dialog box executed by Dwek's system as these were well known types of menu displays at the time of invention as taught by Schacher on pages 1-2 of his disclosure.

In reference to claim 16, Dwek teaches that the data mark information includes playlist information that corresponds to a "highlighted" or "marked" music clip. See columns 7-9.

In reference to claim 17, Dwek/Schacher teach that the display of mark information includes text and graphic information. See column 9 of Dwek and graphical user interface disclosure of Schacher.

In reference to claims 18 and 19, Dwek teaches displaying a dialog window from which a user can select the information to be shared such as a user's name, playtime, theme, etc. Upon closing the dialog box, the music player transmits the information together with the playlist across the Internet connection to the online music library. See column 9, lines 30-45.

In reference to claim 20, Dwek teaches that the data mark information includes playlist information that corresponds to a "highlighted" or "marked" music clip. See columns 7-9.

In reference to claim 21, Dwek teaches that a user may save a shared playlist. See Column 9, lines 45-46.

In reference to claim 22, Dwek does not teach that the selecting step includes a drag and drop operation although he does teach that a user can drag a music clip around the playlist. Schacher teaches a method in conjunction with a graphical user interface (GUI) for producing drag-and-drop objects from one item in a listing menu of an application program. The drag-and-drop object is dropped onto a receiving area that acquires a functionality based on the source of the item. The dropped object can be

activated to launch a source application program and opens the file identified by the original item. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate Schacher's drag-and-drop functionality into the system of Dwek's data mark selection as drag-and-drop features are easily implemented in graphical user environments (GUI) in order to provide a user-friendly aid to select or activate different choices as opposed to more conventional methods such as typing in names or going through a number of different steps to simply make a selection, thus providing a drag-and-drop interface eases the user's task of making a selection.

9. Claims 15, 23-28, and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dwek, US 6,248,946 B1, 6/19/01 (filed 3/1/00) in view of Schacher, WO 98/45770, 10/15/98, as applied to claim 13 above, and further in view of Morris et al., US 2003/0061105 A1, 3/27/03 (filed 4/17/01, provisional filed 4/17/00).

In reference to claim 15, Dwek/Schacher teaches that the user can supply a user's name or alias for the recipient list; however, Dwek/Schacher does not explicitly state that an email address corresponding to each of the names is included. Morris teaches an on-line distribution of music related items in which e-mail is amongst the many forms of informational sharing mechanisms used. See page 1, paragraph [0006]. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate Morris's email distribution of a music related items including an email address associated with a user name into Dwek/Schacher's system for delivering marked information for a music clip since Dwek/Schacher teaches the transmission of

information in a playlist across an Internet connection (See column 9, lines 35-45) which is a network that permits e-mail as a communication mechanism. See page 1, paragraph [0006] of Morris.

In reference to claims 23, 28, and 43, Dwek teaches that a user can elect to share data mark information and can do so by providing information about the playlist to be shared such as a user's name and alias. Dwek further discloses an optional embodiment, when the play button is selected the user may be given a choice to play the highlighted playlist immediately or to schedule a time for the playlist to be played in the future. See column 9, lines 12-18. See also column 5, lines 63-65 and column 7, lines 44-46. Dwek does not teach initiating a mail application function; however, Schacher does. See page 6, lines 19-34 in which an email application is disclosed. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate Dwek's recipient information into Schacher's email application since Dwek teaches transmitting information in a playlist across an Internet connection (See column 9, lines 35-45) which is a network that permits e-mail as a communication mechanism, thus it would be desirable to implement an email application to serve the purpose of transmitting emails. While Dwek does not explicitly state that an email address corresponding to each of the names is included. Morris teaches an on-line distribution of music related items in which e-mail is amongst the many forms of informational sharing mechanisms used. See page 1, paragraph [0006]. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate Morris's email distribution of a music related items including an email

Art Unit: 2176

address associated with a user name into Dwek/Schacher's system for delivering marked information for a music clip since Dwek/Schacher teaches the transmission of information in a playlist across an Internet connection (See column 9, lines 35-45) which is a network that permits e-mail as a communication mechanism. See page 1, paragraph [0006] of Morris.

In reference to claims 24 and 44, Dwek teaches that the data mark information includes playlist information that corresponds to a "highlighted" or "marked" music clip. See columns 7-9.

In reference to claim 25, Dwek teaches that upon closing the recipient list dialog box, the music clips are transmitted to the users. See column 9, lines 35-45

In reference to claim 26, Dwek teaches allowing the user to provide information to the dialog box before the playlist is transmitted to the recipient. This could include message text. See column 9, lines 30-45.

In reference to claim 27, Dwek teaches that a user may elect to share a playlist and can provide information about the playlist to be shared such as a user's name. See column 9, lines 35-45.

### ***Response to Arguments***

10. Applicant's arguments filed 02/28/05 have been fully considered but they are not persuasive.

Applicant's amendments recite "wherein each said data mark information indicates a time and each said data mark information represents content that is broadcasted at said time". Dwek teaches when a user closes the dialog box, the music

Art Unit: 2176

player transmits the information together with the playlist across the Internet connection to the online music library. See column 9, lines 35-45. Dwek further discloses an optional embodiment, when the play button is selected the user may be given a choice to play the highlighted playlist immediately or to schedule a time for the playlist to be played in the future. See column 9, lines 12-18. See also column 5, lines 63-65 and column 7, lines 44-46. In view of rejections and comments above, Examiner's rejection is maintained.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachna Singh whose telephone number is 571-272-

Art Unit: 2176

4099. The examiner can normally be reached on M-F (8:30AM-6:00PM). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RS  
05/26/05

  
JOSEPH FEILD  
**SUPERVISORY PATENT EXAMINER**